

2 **SSB 5993** - S AMD 069
3 By Senator Benton

4 NOT ADOPTED 03/12/01

5 Beginning on page 2, line 26, strike all of sections 3 and 4 and
6 insert the following:

7 "Sec. 3. RCW 70.160.040 and 1985 c 236 s 4 are each amended to
8 read as follows:

9 (1) A smoking area may be designated in a public place by the owner
10 or, in the case of a leased or rented space, by the lessee or other
11 person in charge except in:

12 (a) Elevators; buses, except for private hire; streetcars; taxis,
13 except those clearly and visibly designated by the owner to permit
14 smoking; public areas of retail stores and lobbies of financial
15 institutions; office reception areas and waiting rooms of any building
16 owned or leased by the state of Washington or by any city, county, or
17 other municipality in the state of Washington; museums; public meetings
18 or hearings; classrooms and lecture halls of schools, colleges, and
19 universities; and the seating areas and aisle ways which are contiguous
20 to seating areas of concert halls, theaters, auditoriums, exhibition
21 halls, and indoor sports arenas; and

22 (b) Hallways of health care facilities, with the exception of
23 nursing homes, and lobbies of concert halls, theaters, auditoriums,
24 exhibition halls, and indoor sports arenas, if the area is not
25 physically separated. Owners or other persons in charge are not
26 required to incur any expense to make structural or other physical
27 modifications in providing these areas.

28 Except as provided in other provisions of this chapter, no public
29 place, other than a bar, tavern, (~~bowling alley~~) card room or
30 enhanced card room, tobacco shop, lounge or lounge area, or
31 (~~restaurant~~) any other area where persons under eighteen years of age
32 are not permitted to enter or remain and such designation is
33 conspicuously posted at all entrances, private hire buses, and taxis
34 that are clearly and visibly designated by the owner to permit smoking,
35 may be designated as a smoking area in its entirety. If a bar, tavern,
36 card room or enhanced card room, tobacco shop, lounge or lounge area,

1 or ((restaurant)) other area where persons under eighteen years of age
2 are not permitted to enter or remain is designated as a smoking area in
3 its entirety, this designation shall be posted conspicuously ((on)) at
4 all entrances normally used by the public.

5 (2) Where smoking areas are designated, existing physical barriers
6 and ventilation systems shall be used to minimize the toxic effect of
7 smoke in adjacent nonsmoking areas.

8 ~~(3) ((Managers of restaurants who choose to provide smoking areas~~
9 ~~shall designate an adequate amount of seating to meet the demands of~~
10 ~~restaurant patrons who wish to smoke.))~~ Owners of restaurants are not
11 required to incur any expense to make structural or other physical
12 modifications in providing these areas. ~~((Restaurant patrons shall be~~
13 ~~informed that separate smoking and nonsmoking sections are available.))~~

14 (4)(a) Restricting smoking in the workplace shall include
15 provisions permitting employer policies as authorized in this
16 subsection.

17 (b) An employer's policy restricting smoking in the workplace must
18 include a provision for a designated enclosed smoking room if a smoking
19 room policy is included in a collective bargaining agreement applicable
20 to the workplace or, if no collective bargaining agreement applies, the
21 employees of the employer agree to a written smoking room policy. The
22 designated smoking room is deemed to meet any ventilation requirements
23 of this chapter if it is ventilated as required by the American society
24 of heating, refrigerating, and air conditioning engineers, inc.
25 standard 62-1989.

26 (c) The written smoking room policy must be kept on file by the
27 employer and made available to employees on request.

28 (d) This subsection does not apply to a workplace if a statute
29 expressly prohibiting indoor smoking applies to that workplace.

30 (e) This subsection may not be construed to require any employer to
31 provide a smoking room.

32 (5) Except as otherwise provided in this chapter, a facility or
33 area may be designated in its entirety as a nonsmoking area by the
34 owner or other person in charge."

35 Renumber the following section consecutively and correct any
36 internal references accordingly.

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4 On page 1, line 5 of the title, after "70.160.040;" strike
5 "creating a new section;"

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